

## INTER-OFFICE COMMUNICATION



Ohio Environmental Protection Agency

US EPA RECORDS CENTER REGION 5



508021

**TO:** Christopher Jones  
**FROM:** Peter Whitehouse, Assistant Chief, DERR  
**DATE:** 25 February 2003  
**RE:** South Dayton Dump Landfill - Potential for NPL Listing

MAR 03 REC'D

SOUTHWEST, DISTRICT

**Summary**

Attached for your signature is a letter to U.S. EPA that notifies them that Ohio EPA is supportive of listing the South Dayton Dump on the NPL. DERR nominated this site to the U.S. EPA as a non-NPL enforcement case in 2001. U.S. EPA has failed to reach an agreement with the PRPs at this site, as the PRP group reportedly believes that there are other, unnamed PRPs for this site and won't sign an order without this larger group. U.S. EPA has closed negotiations and is willing to proceed with the RI/FS with fund money at this time; listing on the NPL is not necessary to proceed with this step. However, in order to implement a fund-lead remedy, the site would need to be formally listed on the NPL. Before proceeding with the fund-lead RI/FS, U.S. EPA has asked for Ohio EPA's commitment to support listing the site in the future, and to seek and recommend a governor's concurrence letter, should listing and a fund lead remedy become necessary.

**Background**

The South Dayton Dump Site (the Site) is an inactive landfill located at 1976 Dryden Road, Moraine, Ohio, southwest of Dayton. The landfill covers approximately 30 acres of a 40 acre parcel of land. It is located 350 feet east of the Great Miami River in a heavily industrial and commercial area overlying the Great Miami sole source aquifer system. The Site also contains a federally designated wetland.

The South Dayton Dump operated between approximately 1941 and 1996. The primary disposal practice was open burning followed by landfilling. However steel drums, metal turnings, fly ash, foundry sand, demolition material, wooden pallets, asphalt, paint, paint thinner and other industrial wastes were disposed at the landfill. In the year 2000, drums containing hazardous waste were discovered during a sewer line extension project on the adjacent Valley Asphalt property. The Ohio EPA Preliminary Assessment report indicates that the Valley Asphalt property was previously owned by the landfill owners, and historic aerial photos indicate landfilling on the Valley Asphalt property. Valley Asphalt is therefore considered to be part of the South Dayton Dump Site.

Hazardous substances are present in on-site soil, ground water and sediment.

According to Region 5, the soil detections of most concern, under the industrial contact scenario are: lead with a maximum detection of 12,100 mg/kg (EPA Region 9 non-cancer PRG of 750 mg/kg), and copper with maximum detection of 191,000 mg/kg (EPA Region 9 non-cancer PRG of 41,000 mg/kg). These levels are indicative of unacceptable non-cancer hazard indices of 16 and 4.7 respectively.

The ground water monitoring well network, consisting of thirteen perimeter wells, revealed maximum concentrations of vinyl chloride at 180 ug/L (MCL 2 ug/L), and trichloroethene at 76 ug/L (MCL 5 ug/L). These detections were found in down gradient, adjacent wells in June, 2002.

### **U.S. EPA Involvement**

The Site is of Superfund caliber and U.S. EPA, with assistance from Ohio EPA, has been managing the Site as a "Superfund Alternative Site" (non-NPL enforcement site, or on the NPL equivalency track). U.S. EPA has been pursuing an order with the PRP's under the authority of Section 104 of CERCLA for the conduct of a PRP funded RI/FS (remedial investigation/ feasibility study). These negotiations recently concluded without success.

In the absence of an agreement with the PRPs, U.S. EPA has proposed to Ohio EPA that RI/FS at the Site move forward as a Superfund financed ("fund-lead") action. Superfund monies can be expended for purposes of investigation and analysis at sites which have not officially been placed on U.S. EPA's National Priorities List, or NPL. However, sites must be listed on the NPL in order to access fund monies for purposes of implementing remedial actions (constructing the remedy). At the conclusion of fund-lead RI/FS studies, U.S. EPA will again attempt to negotiate an order with the PRPs for implementation of the selected remedy. The PRPs may be more willing enter into an RD/RA order, because sufficient information will likely exist at that time to name any additional PRPs that may be appropriate. However, if those negotiations are unsuccessful, the South Dayton Dump Site would have to be listed on the NPL in order to conduct a fund-lead remedial action.

Prior to committing to a fund-lead RI/FS at the South Dayton Dump Site, U.S. EPA has asked for Ohio's written assurance of support should listing of the South Dayton Dump Site become necessary in order to implement a site remedy. Absent such an assurance, no action will be taken. DERR recommends that Ohio provide U.S. EPA with the requested written assurance.

### **Conclusion**

DERR recommends you sign the attached letter.

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